

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIE SANFT and SEATTLE BARREL  
AND COOPERAGE COMPANY

Defendants.

Case No. 2:19-cr-00258-RAJ

ORDER ON DEFENDANTS' JOINT  
MOTION TO RENOTE LOUIE  
SANFT'S AND SEATTLE  
BARREL'S MOTIONS FOR A NEW  
TRIAL DUE TO SUPPLEMENTAL  
DISCOVERY PRODUCED BY  
GOVERNMENT

This matter comes before the Court on Defendants' Joint Motion to Rernote Louie Sanft's and Seattle Barrel's Motions for a New Trial Due to Supplemental Discovery Produced by Government. Dkt. # 281. The Government did not oppose re-noting the motions. Dkt. # 285. Defendants filed a reply seeking additional relief, Dkt. # 288, to which the Government responded in a status report and response to requests, Dkt. # 294. Having reviewed all of the briefing, applicable law, and relevant record, the Court finds that oral argument is unnecessary.

1 On December 22, 2021, following a two-week trial, a jury found Defendants  
2 Louie Sanft and Seattle Barrel and Cooperage Company (collectively, “Defendants”)  
3 guilty on Counts 1 through 36. Dkt. ## 217, 218-1. The Court twice granted stipulated  
4 motions extending the deadline for filing post-trial motions. Dkt. ## 223, 230.

5 On March 2, 2022, Defendant Louie Sanft timely filed a Motion for New Trial,  
6 Dkt. # 263. The same day, Defendant Seattle Barrel and Cooperage Company filed a  
7 Motion for New Trial and Joinder, Dkt. # 267. Both motions were noted for March 25,  
8 2022.

9 On April 22, 2022, Defendants filed a joint motion asking the Court to re-note  
10 their motions for new trial for June 3, 2022 due to supplemental discovery received from  
11 the Government and discovery that is expected to be produced. Dkt. # 281. Defendants  
12 contend that the supplemental discovery “is highly relevant” to their motions for a new  
13 trial. *Id.* at 1. Specifically, they allege that the new discovery indicates that Dennis  
14 Leiva, a key Government witness, “may have given false testimony about the benefits he  
15 hoped to receive for his testimony.” *Id.* at 1-2. The Government responded that it does  
16 not oppose Defendants’ request to re-note their motions for new trial. Dkt. # 285. It  
17 indicated that Mr. Leiva was granted a T-visa following trial in February 2022. *Id.* at 1.  
18 The Government contended that although the grant of the visa was unconnected to Mr.  
19 Leiva’s cooperation with the Government, it had requested the immigration file related to  
20 Mr. Leiva’s T-visa application. *Id.*

21 In their reply, Defendants argued that additional relief is necessary based on the  
22 Government’s response and additional information received since the response was filed.  
23 Dkt. # 291 at 2. Defendants ask the Court to remove Defendants’ motions for new trial  
24 from the calendar without prejudice to the motions being refiled once all discovery has  
25 been produced by the Government. *Id.* at 4. Defendants also argue that if the entire T-  
26 visa file is not produced, the Court should require the government to produce the entire  
27 file to the Court for an *in camera* determination of whether the materials in the T-visa file

1 are discoverable. *Id.* at 7.


2 The Government filed a status update and response to Defendants' requests for  
3 relief. Dkt. # 294. The Government indicated that it opposes the request to remove the  
4 motions for a new trial from the calendar and requests, instead, that they be re-noted for  
5 June 3, 2022 and that the Court decide the issues raised on existing briefing. Dkt. # 294  
6 at 3. The Government argues that any additional arguments related to the T-visa file  
7 should be filed in a separate brief. *Id.* If the T-visa file does not arrive in time for  
8 Defendants to submit supplemental briefing in a timely fashion, the Government  
9 indicates that it would stipulate to a further continuance of the noting date. *Id.* The  
10 Government also opposes Defendants' request for Court intervention regarding discovery  
11 as premature. *Id.* at 4. The Government indicates that it will produce the entire T-visa  
12 file if it concludes that it can. *Id.* If it concludes that any materials are undiscoverable  
13 and protected by statute, it will submit the materials for *in camera* review. *Id.* The  
14 Government does not oppose Defendants' request to continue the sentencing to August  
15 15, 2022.

16 Having considered the arguments, the Court finds that re-noting of the motions for  
17 new trial for June 3, 2022, approximately three weeks from the date of this order, is not  
18 appropriate given the fact that the T-visa file has not been received by the parties. Due to  
19 the potential significance of the T-visa file, as alleged by Defendants, the Court finds it  
20 inappropriate to consider the existing briefing, which relies heavily upon arguments  
21 regarding Mr. Leiva's credibility, without consideration of potentially relevant T-visa  
22 material. The Court hereby removes the motions for a new trial from the calendar  
23 without prejudice to re-filing once all discovery has been obtained.

24 The Court also finds that a continuance of the sentencing hearing is appropriate to  
25 permit the parties to file additional briefing as necessary. The sentencing hearing is  
26 rescheduled to August 26, 2022 at 1:30 P.M. Finally, the Court ORDERS the  
27 Government to produce the entire T-visa file to Defendants if it concludes that it is

1 permitted to do so. If the Government concludes that any materials within the T-visa file  
2 are not discoverable or protected by statute, it will submit all such materials to the Court  
3 for *in camera* review.

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5 DATED this 12th day of May, 2022.

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8 HON. RICHARD A. JONES.  
9 United States District Court Judge  
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